

**Amendment No. 1 to SB3658**

**Southerland  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3658**

**House Bill No. 3105\***

by deleting Section 3 in its entirety and by substituting instead the following language:

SECTION 3. Tennessee Code Annotated, Section 66-34-103, is amended by adding the following as new subsections (d) and (e):

(d) In the event that an owner or prime contractor withholds retainage which is for the use and benefit of the prime contractor or its subcontractors pursuant to subsections (a) and (b) of § 66-34-104, neither the prime contractor nor any of its subcontractors shall be required to deposit additional retained funds into an escrow account in accordance with § 66-34-104(a) and (b).

(e)

(1) It is an offense for a person, firm or corporation to fail to comply with the provisions of § 66-34-104(a) or subsection (a) or (b) of this section.

(2)

(A) A violation of this subsection is a Class A misdemeanor, subject to a fine only of \$3,000.00.

(B) Each day a person, firm or corporation fails to comply with the provisions of § 66-34-104(a) or subsection (a) or (b) of this section is a separate violation of this subsection.

(C) Until the violation of this subsection is remediated by compliance, the punishment for each violation shall be consecutive to all other such violations.